

# **LOCAL OPERATING PROCEDURES**

## **BLOOMINGTON, MINNESOTA**

### Procedure 1. General

These Local Operating Procedures are promulgated pursuant to the authority vested by 8 *C.F.R. Section 3.40*, and are intended as complements to the regulations set forth under 8 *C.F.R.* These Local Operating Procedures are not to be applied inconsistently with any immigration laws or regulations.

### Procedure 2. Filing Procedures

All documents, applications, and written motions shall be filed by mail, in person or other delivery service at the public window of the Immigration Court of Bloomington, Minnesota during regular hours as posted in the Immigration Court.

In addition to complying with 8 *C.F.R. Sections 3.31 and 3.32*, all documents and applications shall be two-hole punched at the top of the page with holes 2 3/4 inches apart. All exhibits and documents exceeding five (5) pages in length shall be paginated and shall have as a first page a table of contents with page number identification. The use of exhibit tabs with letter designation shall be required for all exhibits containing multiple documents.

All proposed exhibits and briefs shall be received in the Immigration Court of Bloomington no later than ten (10) calendar days prior to the scheduled Individual Calendar hearing unless otherwise authorized by the Immigration Judge. Non conforming documents will not be accepted for filing.

### Procedure 3. Trial Preparation

A. At the Master Calendar hearing:

1. The Immigration and Naturalization Service (INS) shall be prepared with all necessary documents to establish the portability of the Respondent or to contest admissibility of the Applicant.
2. Respondent/Applicant shall be prepared to respond to the allegations contained in the Charging Document.
3. Respondent/Applicant shall be prepared to indicate all applications for relief from deportation or exclusion sought.
4. Respondent/Applicant and the INS shall be prepared to state (in hours) the estimated time needed to present the case at the Individual Calendar hearing.

B. A written pleading by the Respondent/Applicant containing the information in A. 2-4 above may be filed in advance with the consent of the Immigration Judge. Such pleading shall be accompanied by a proposed order, in triplicate, which includes blank space, for setting the future date of hearing and any applicable deadlines. Unless such order is signed by the Immigration Judge and received by the Respondent/Applicant in advance of the scheduled hearing, his/her presence is not excused and is required at the scheduled hearing.

- At the Individual Calendar hearing:

1. The Immigration and Naturalization Service (INS) shall be prepared to state its position on all issues and applications for relief from deportation/exclusion.
2. Both parties shall be prepared to present all remaining testimony and evidence on all issues, including rebuttal.

#### Procedure 4. Continuances

Parties seeking a continuance of any scheduled Individual Calendar hearing before an Immigration Judge shall file a written motion for continuance no less than fourteen (14) calendar days prior to the scheduled hearing. The motion shall set forth the case name or Respondent/Applicant's name and file number, the name of the Immigration Judge before whom the matter is set, and the reason(s) that the continuance is requested. Unless notified by the Immigration Judge that the motion for continuance has been granted, all parties must attend the hearing and be prepared to proceed. Motions for continuance within the fourteen-day period prior to the hearing may be considered only with the consent and in the discretion of the Immigration Judge.

#### Procedure 5. Pre-Hearing Motions

A. In addition to complying with 8 *C.F.R.* 3.23, all pre-hearing motions shall be accompanied by a proposed order, in triplicate, for signature by the Immigration Judge. All pre-hearing motions will be decided on the basis of the written record unless the Immigration Judge determines that oral argument is necessary to make a decision on the motion. In the event that the Immigration Judge determines that oral argument is necessary, the pre-hearing motion will be placed on the Immigration Judge's next available Master Calendar no earlier than ten (10) days following its filing, except for emergency situations or for good cause shown.

B. Except for emergency situations or for good cause shown and except as otherwise ordered by the Court, all parties presenting pre-hearing motions relative to cases scheduled for Individual Calendar hearings shall file such motions with the Immigration Court no later than fourteen (14) calendar days prior to the date set for Individual Calendar hearing. Any party opposing such pre-hearing motion shall, no later than ten (10) days following service of such motion, file with the Court its written response to said motion. In the event no opposition or response to such pre-hearing motion shall have been filed within the response period, the motion shall be deemed unopposed.

#### Procedure 6. Withdrawal/Substitution of Representation

A. Withdrawal of representation shall be requested by a written or oral motion to withdraw addressed to the Immigration Judge to whom the matter is assigned and shall set forth the following:

1. The reason(s) for the request to withdraw;
2. Evidence of the client's consent to withdrawal, or a statement as to why such consent is unavailable;
3. The current or last-known address of the client; and,
4. A statement as to whether the client was advised of any currently scheduled hearings, and if not, the efforts made to contact and notify the client.

B. Counsel shall continue to be considered by the Court as counsel of record until a request to withdraw has been approved by the Court.

C. Substitution of representation shall be requested by written or oral motion addressed to the Immigration Judge to whom the matter is assigned, accompanied by an EOIR Form 28 (Notice of Entry of Appearance) completed by the attorney or representative to be substituted.